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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 E.R. a Minor, by and through his
11 Guardian Ad Litem, Vanessa Fernandez

12 Plaintiffs,

13 vs.

14 COUNTY OF LOS ANGELES; NIKKI
15 SMITH, and individual; MONICA
16 MAURER, an individual; and DOES 1
17 through 10

18 Defendants.

Case No.: 2:16-CV-01781-DSF(KSx)
Assigned to the Honorable:
DALE S. FISCHER-Courtroom 7D

**STIPULATION FOR A
PROTECTIVE ORDER
GOVERNING USE AND
DISCLOSURE OF CONFIDENTIAL
RECORDS**

19 **Complaint Filed: March 15, 2016**
20 **First Amended Complaint Filed: July**
21 **21, 2016**

22 IT IS HEREBY STIPULATED AND AGREED by and between Defendants
23 through their counsel or record and Plaintiffs through their counsel of record
(collectively, the "Parties"), as follows:

24 1. The Parties understand that the following, upon order thereon by the
25 above entitled Court, constitutes a binding Protective Order.

26 2. The Protective Order shall govern the disclosure of confidential
27 records, documents, and/or information contained therein in records produced by the
28 Juvenile Court pursuant to the Juvenile Court's "Special Order Re: Disclosure of

1 Juvenile Court Records Pursuant to Welfare and Inst. Code Section 827,” dated
2 December 8, 2016, attached hereto as Exhibit A. Good cause exists for this
3 Stipulated Protective Order because said records, documents and information
4 contained in the Juvenile Case File are protected under California Welfare and
5 Institutions Code § 827 and California Rules of Court 5.552. Additional records
6 that qualify for protection would be minor Plaintiff E.R.’s education records (which
7 are protected by the Family Educational Rights and Privacy Act (FERPA) of 1974;
8 34 CFR Part 99, the California Education Code Section 49062 et seq.), and minor
9 E.R.’s medical records, which are protected under the Article 1, section 1 of the
10 California Constitution and the California Confidentiality of Medical Records Act.

11 3. All such records shall be designated by stamping copies of each
12 document “CONFIDENTIAL” before being produced. Stamping
13 “CONFIDENTIAL” on the cover of any multi-page document shall designate all
14 pages of the multi-page document as confidential, unless otherwise indicated.

15 4. Upon receiving confidential information or documents, all Parties and
16 their attorneys of record shall personally safeguard and keep confidential all copies
17 of the confidential information or documents provided by the County of Los
18 Angeles, and all confidential information shall be used only for the purposes set
19 forth below, and only for the purpose of litigating the case *E.R., a Minor by and*
20 *through his Guardian Ad Litem, Vanessa Fernandez v. County of Los Angeles, et al.*,
21 CV 2:16-CV-01781-DSF (KSx).

22 5. Should any document be inadvertently produced without properly
23 being marked as “Confidential” under the terms of this Order, the Parties may
24 designate and mark a document as “Confidential” at any time.

25 6. Any confidential document used as an exhibit during a deposition shall
26 be attached to a separate deposition volume marked as “Confidential: Subject to
27 Protective Order.”

28 7. The Parties may only disseminate the confidential information when

1 necessary for the litigation of the above-entitled civil action as follows: 1) to their
2 employees, including paralegal, clerical and secretarial staff, 2) to individuals
3 testifying under oath at deposition or trial in this action, 3) to any expert retained by
4 any Party in this case, *E.R., a Minor by and through his Guardian Ad Litem,*
5 *Vanessa Fernandez. V. County of Los Angeles et al.*, CV 2:16-CV-01781-DSF
6 (KSx) if any, and 4) the Court, members of its staff, including stenographic, jurors,
7 and other court reporters, as necessary for use in this case. Any individual to whom
8 disclosure is to be made will also be bound by the provisions of this Protective
9 Order. Before such disclosure or dissemination of the confidential information or
10 records is made by the Parties or their attorneys, the recipient will be advised of this
11 protective order and will confirm by date and signature his/her agreement to comply
12 with it. In the event such individual does not consent to be bound by this Protective
13 Order in writing, no disclosure of the confidential information or documents will be
14 made to such individual.

15 8. Copies of all confidential documents and information shall only be
16 used in connection with the litigation of the matter *E.R., a Minor by and through his*
17 *Guardian Ad Litem, Vanessa Fernandez v. County of Los Angeles, et al.*, CV 2:16-
18 CV-01781-DSF (KSx), including depositions, law and motion, trial, and appeal, if
19 any.

20 9. No Party or their attorneys shall disclose or disseminate to the general
21 public or any news media any of the documents or information contained in the
22 documents produced to either Party. This paragraph is not meant to address the use
23 of confidential documents at a deposition, or for law and motion proceedings and
24 trial in the case *E.R., a Minor by and through his Guardian Ad Litem, Vanessa*
25 *Fernandez v. County of Los Angeles, et al.*, CV 2:16-CV-01781-DSF (KSx).

26 10. Upon conclusion of this case, all confidential information, as well as
27 any information obtained and/or derived from the disclosure of the confidential
28 information, shall be kept confidential. All confidential records provided shall be

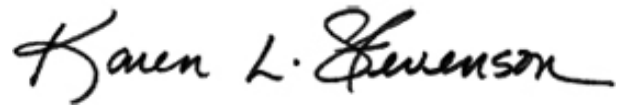
1 returned to the producing party or destroyed at the conclusion of the case.

2 11. Documents produced and protected under this protective order are
3 subject to the United States District Court Central District's Local Rule 79-5 relating
4 to procedures to file documents under seal. The parties agree to use the procedure
5 listed in Local Rule 79-5 for the filing of any document that is subject to this
6 protective order.

7 The Court shall retain jurisdiction to resolve any dispute concerning the use
8 of information disclosed hereunder and any alleged violation of this Protective
9 Order. If there is deemed to be a violation of this order, the court shall determine
10 sanctions or other remedies against the party found to be in violation.
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12 FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.
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16 DATED: August 28, 2017



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18 KAREN L. STEVENSON
19 UNITED STATES MAGISTRATE JUDGE
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